

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVIER R. GARCIA,  
Plaintiff,

v.

CHRYSLER GROUP LLC, et al.,  
Defendants.

Case No. [12-cv-00758-SI](#)

**ORDER ON PLAINTIFF'S  
ADMINISTRATIVE MOTION**

Re: Dkt. No. 30

Plaintiff filed this case in state court in 2011 and defendant removed the state action to this Court. Soon after removal, the parties agreed to transfer the case to the District of New Jersey to be resolved with a related matter pending in that district. *See* Dkt. No. 29. The New Jersey court then transferred venue to the United States Bankruptcy Court for the Southern District of New York. *See* Mot. (Dkt. No. 30) at 3; Opp'n (Dkt. No. 32) at 4. In early 2016, the bankruptcy court transferred the case back to the District of New Jersey. *See* Opp'n at 4. Defendant moved to dismiss the action and plaintiff filed a motion to transfer the case back to this District. *Id.* The New Jersey court granted plaintiff's motion. *Id.*

The action was transferred back to this District on October 21, 2016, and was assigned to Magistrate Judge James. A declination to proceed before a Magistrate Judge was filed, and on December 15, 2016 the case was assigned to Judge Jeffrey S. White. *See* Case No. 4:16-cv-06096-JSW, Dkt. No. 143. On December 21, 2016, defendant filed a motion to dismiss in that case, which remains pending before Judge White. *Id.*, Dkt. No. 150. Thereafter, plaintiff filed this motion to determine whether Case No. 4:16-cv-06096-JSW should be related to this action and transferred back to this Court.<sup>1</sup> Dkt. No. 30. Defendants oppose the motion. Dkt. No. 32.

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<sup>1</sup> Plaintiff filed a similar motion before Judge White. This order only concerns plaintiff's motion pending before this Court.

1           Actions are related when: (1) they “concern substantially the same parties, property,  
2 transaction or event”; and (2) if the cases are conducted before different judges, it is “likely that  
3 there will be an unduly burdensome duplication of labor and expense or conflicting results . . . .”  
4 N.D. Cal. Civ. L.R. 3-12(a). The undersigned had limited exposure to this case in 2012 and never  
5 ruled on a substantive motion before transferring the case to New Jersey. While this is the same  
6 case originally assigned to the Court in 2012, there is no risk of “duplication of labor and expense”  
7 or “conflicting results” if the matter proceeds before Judge White in Case No. 4:16-cv-06096-  
8 JSW. Accordingly, plaintiff’s motion is DENIED.

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10       This resolves Dkt. No. 30.

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12           **IT IS SO ORDERED.**

13       Dated: January 5, 2017



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SUSAN ILLSTON  
United States District Judge